

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

TREVER HUTCHISON,	§	
	§	
Petitioner,	§	
VS.	§	MISCELLANEOUS ACTION NO. 2:15-MC-26
	§	
IMA LINDSEY, <i>et al</i> ,	§	
	§	
Defendant.	§	

OPINION AND ORDER DENYING
MOTION TO ALTER OR AMEND THE JUDGMENT

Plaintiff's application for leave to proceed *in forma pauperis* was denied and his lawsuit was dismissed as frivolous on February 18, 2015 (D.E. 2, 3). On March 19, 2015, Plaintiff filed a pleading titled "Motion for Specific Objections" (D.E. 5). Although Plaintiff did not state the date he placed the pleading in the prison mail system for mailing, the postmark on the envelope for the pleading is dated March 16, 2015, which satisfies the 28-day deadline for the filing of a motion to alter or amend the judgment. FED. R. CIV. P. 59(e).

"A Rule 59(e) motion is a motion that calls into question the correctness of a judgment. Rule 59(e) is properly invoked 'to correct manifest errors of law or fact or to present newly discovered evidence.'" *In re Transtexas Gas Corp.*, 303 F.3d 571, 581 (5th Cir. 2002) (quoting *Waltman v. Int'l Paper Co.*, 875 F.2d 468, 473 (5th Cir. 1989)).

One correction to the earlier order and judgment will be made. To the extent that Plaintiff intended to file any state law claims against the named Defendants, those claims are dismissed without prejudice so that Plaintiff may pursue such claims in the state

courts. As to Plaintiff's Section 1983 claims, he has failed to cite to any manifest errors of law or fact, and has presented no new evidence.

Except as indicated in this order, Plaintiff's motion for specific objections, construed as a Rule 59(e) motion to alter or amend the judgment (D.E. 5), is denied.

SIGNED and ENTERED on 3/23/15.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE